

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Venice PI, LLC et al,)	Case No.: 1:19-cv-00169-LEK-KJM
)	(Copyright)
Plaintiffs,)	
vs.)	DECLARATION OF COUNSEL
)	
DOE 1, et al.)	
)	
Defendants.)	
_____)	

DECLARATION OF COUNSEL

KERRY S. CULPEPPER, hereby declares under penalty of law that the following is true and correct:

1. I am an attorney and represent the Plaintiffs. I have personal knowledge of the matters stated herein. This declaration is given in support of Plaintiffs' Request for Reconsideration of the Order Denying Plaintiff's *Ex Parte* Motion for Leave to Request Issuance of Order Granting Leave to Request Letters of Request prior to a Rule 26(f) Conference.

Newly Discovered Facts Regarding Defendant DOE 1 dba YIFY

2. On May 21, 2019, Cloudflare provided Plaintiff Venice PI, LLC customer information for the account YIFYMOVIES.IS.

3. The customer information included a 94 page audit log showing the IP address login history and all websites under the account.

4. The audit log indicates that this Cloudflare account also hosted numerous other movie piracy websites such as: fmoviesfree.is; 123moviesfree.is; watchasap.is; cmovieshd.to; gomoviesfree.is; 9movies.is and gomovies.to.

5. The audit log also indicates that the website yifymovies.is was hosted at or associated with IP addresses owned by the New Jersey server company Choopa LLC dba Vultr (“Choopa”).

6. On May 23, 2019 Choopa provided Plaintiff Bodyguard Productions, Inc. account information for the customer associated with the IP addresses for yifymovies.is. Exhibit “1” is a true and accurate duplicate of the document showing the account information provided by Choopa. The account information indicates that “Nguyen Manh” is the account name, resides in Vietnam, used the email address “justyousmileme@gmail.com” of Google, Inc. to communicate with Choopa, and used PayPal to make payments to Choopa as recently as April 7, 2019.

7. If an address had been included in the account information, Plaintiffs would have promptly withdrawn the Motion for Early Discovery with respect to Defendant DOE 1.

8. On May 23, 2019, I sent an email to Nguyen Manh via justyousmileme@gmail.com offering to settle this matter if he would agree to cease all movie piracy activities and pay damages. I never received a reply. However, the next day I noticed that the movie piracy websites fmoviesfree.is; 123moviesfree.is;

watchasap.is; cmovieshd.to; gomoviesfree.is; 9movies.is and gomovies.to had been deleted and the domains were made available for purchase.

9. The Registrar Namecheap provided documents showing the identification information and payment records for the customer associated with YIFYMOVIES.IS on June 27, 2019 to LHF Productions, Inc. (an affiliated company of Plaintiff Millennium Funding, Inc.). The documents confirm that the domains were immediately purchased by a third party on May 24, 2019.

Newly Discovered Facts Regarding Defendant DOE 2 dba YTS

10. Cloudflare provided audit logs (of nearly a 1000 pages) for the YTS websites and customer information to Plaintiff Bodyguard Productions, Inc. on June 6, 2019. The audit logs for the YTS websites indicate that this Cloudflare account also hosted numerous other movie piracy websites such as: piratetorrents.net, limetorrents.cc, yourbittorrent.com, rarbg.to, torrentbutler.eu, piratetorrents.net, thepiratebay.se.net, torrentz.eu, 1337x.to and extratorrent.cc.

11. The audit logs also indicate that the YTS websites were hosted at or associated with IP addresses owned by the New York server company Digital Ocean, Inc.

12. From April 11, 2019 to May 23, 2019, an individual (“Mr. Segaran”) holding himself as representing Defendant DOE 2 communicated with me from email address segaran@tutanota.com.

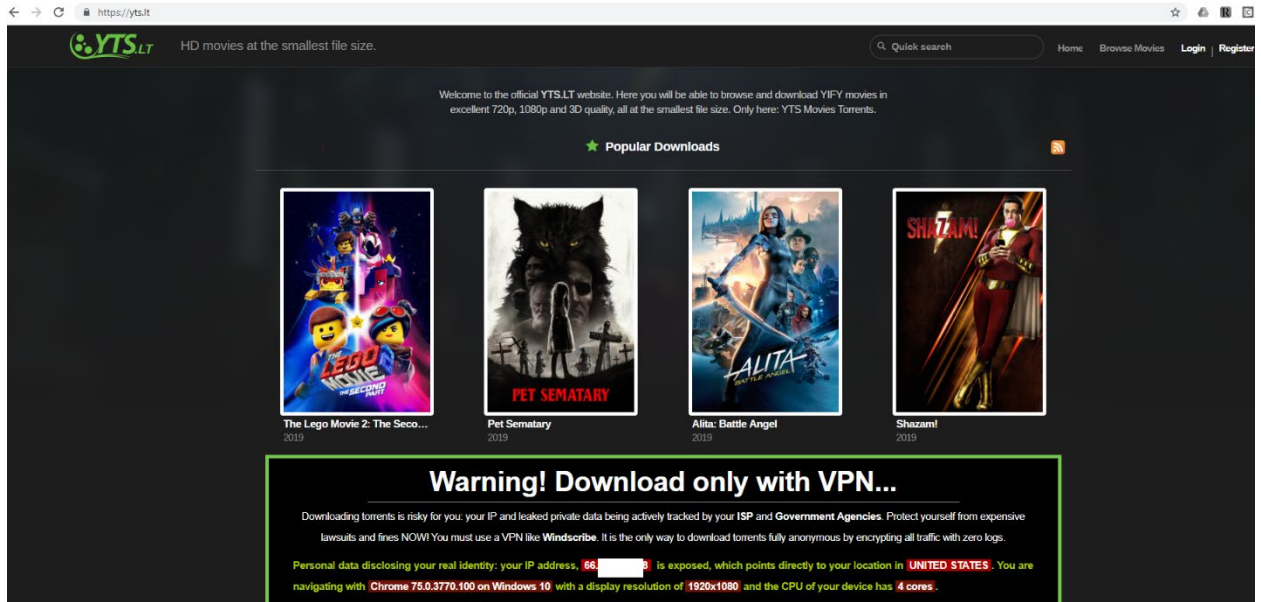
13. Mr. Segaran refused to provide identification information, sign a waiver of service or conduct a Rule 26(f) conference, but did make offers of settlement. I made clear to Mr. Segaran that a condition of a settlement would be removal of all motion pictures of Plaintiffs' as well as of their affiliated companies from the YTS websites.

14. Although we were unable to arrive at an agreement, Mr. Segaran agreed to remove Plaintiffs' motion pictures from the YTS website. He sent an email on May 13, 2019 to me stating, "We have received good news, confirmation that all the titles you have sent have been permanently removed from the website and filters put in place to avoid reupping."

15. I received no further communications with Mr. Segaran after May 23, 2019.

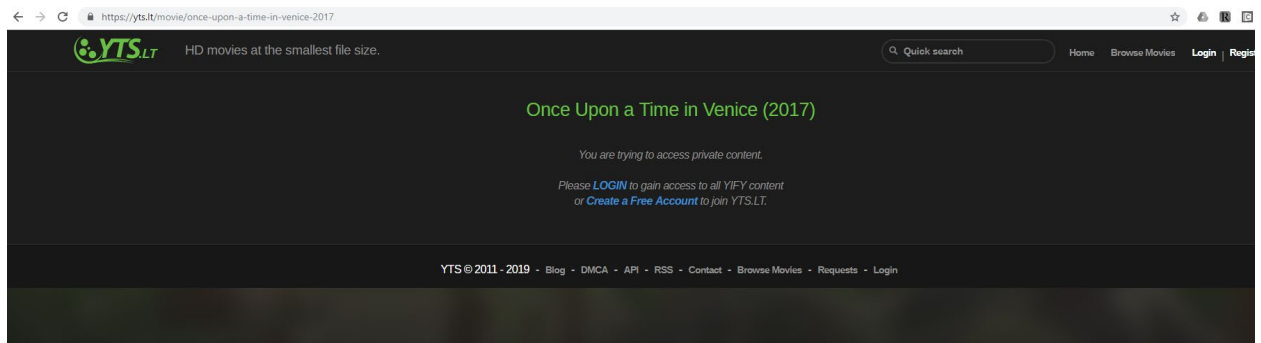
16. In early June I noticed that Defendant DOE 2 had begun redirecting the yts.ag and yts.am websites to the new website "yts.lt" and completely rebranded itself as YTS.LT.

17. Below is a true and accurate screenshot of the yts.lt website as it appeared on July 6, 2019.



18. The new website yts.lt once again apparently allows users to download torrent files of Plaintiffs' motion pictures, but only if the user creates a YTS account and logs in.

19. Below is a true and accurate screenshot of the yts.lt website as it appeared on July 6, 2019 when Plaintiff Venice PI, LLC's motion picture *Once Upon a Time in Venice* was entered into the searchbar.



20. Exhibit "2" is a true and accurate copy of the ICANN Uniform Domain Name Dispute Resolution Policy from the website

<https://www.icann.org/resources/pages/policy-2012-02-25-en> [retrieved on July 6, 2019].

21. I declare under penalty of perjury that the foregoing is true and correct.

DATED: Kailua-Kona, Hawaii, July 7, 2019.

CULPEPPER IP, LLC

/s/ Kerry S. Culpepper
Kerry S. Culpepper

Attorney for Plaintiffs